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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,683	11/17/2003	Gaetan L. Mathieu	P75D1-US	7298

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EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,683

Applicant(s)

MATHIEU

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-15-04
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2839

Spec. page 1, the parent case paragraph must be rewritten to include the parent case pat no.

PTO-1449 copies submitted in parent case should be supplied in this case.

Spec. page 24, line 7, page 39, line 10, 19, 20, and other instances, patent nos. where known must be added.

Claims 21, 24-26 are objected to, claim 21 the electronic component has no antecedent basis claim 24, dependency is incorrect. Claim 26, line 3 should the terms be – elements are --.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 19-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,827,584. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this case define broadened variations of parent case claims. Basically the claims of this case omit limitations regarding
"deposited within an opening" formation step as recited in parent case claims 1, 13.

The terminal disclaimer should be filled with the next response.

Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khandros in view of Farnworth.

Khandros, figs. 14-16 discloses an assembly with substrate 10, resilient contacts 59 formed of a free standing first material (wire) 63 and a second material 47 electroplated onto 63 and providing a higher spring constant to the contact. Khandros does not disclose resiliency for the wire 63. It seems obvious that wire 63 to be formed of copper, gold, or aluminum, col. 8, lines 39-41 could readily be resilient and usable as recited in claim 19, lines 5-7 just as the Farnworth contact wires also of copper or gold are disclosed to be resilient. The wires formed of similar material should have similar characteristics. Stated differently, it would have been obvious to form wire 63 to be resilient as is 24 of Farnworth, see fig. 3A, as this would contribute to resiliency of the resultant product 59.

In addition since resilient wire¹⁵ is known, why should non-resilient wire be used for Khandros system. It also seems that even small resiliency would be adequate since claim 19 terms "repeated displacement" only requires two such displacements.

For claim 20, part 90 forms an anchor portion. For claim 21, features treated as an obvious design matter since not to main inventive concept. For other claims references as applied above are adequate.

Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus in view of Farnworth.

Marcus discloses substrate 21 (Figs 5-7) with contacts formed of copper (first material) 30 to be overcoated by a second material 40 to provide a higher spring constant.

Marcus does not disclose 30 to be resilient however, it seems obvious that it could or would be resilient to some extent just as the Farnworth wires 24 also formed of copper are resilient. Resilience of both 30 and 40 would help to provide a final contact of greater resiliency (higher spring constant than that of 30 or 40 alone).


Claim 20, note anchor portion 34 and for claim 21 recited features deemed obvious variations pending response. Reference as applied above also meets claims 22-26.

Applicant in response is asked to state view of extent of resilience of structures 30 of Marcus and 63 of Khandros, ^{letter of} which is coassigned with this case.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number (571)272-2089.

Abrams/ds

01/24/05


NEIL ABRAMS
EXAMINER
ART UNIT 322